

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	CUID No. PA1647 (Lower Pottsgrove)
Suburban Cable TV Company, Inc.	)	
	)	
Petition for Reconsideration	)	

**ORDER ON RECONSIDERATION**

**Adopted: March 5, 2002**

**Released: March 7, 2002**

By the Deputy Chief, Cable Services Bureau:

1. In this Order we consider a petition for reconsideration ("Petition") of our Order, DA 98-105 ("Prior Order"),<sup>1</sup> filed with the Federal Communications Commission ("Commission") by the above-referenced operator ("Operator"). Our Prior Order resolved a complaint against Operator's March 1, 1995 CPST rate increase. In its Petition, Operator argues that the complaint was not timely filed. In this Order, we grant Operator's Petition, vacate our Prior Order and dismiss the complaint because it was not timely filed.

2. Under the Communications Act,<sup>2</sup> the Commission is authorized to review the CPST rates of cable systems not subject to effective competition upon the filing of a valid complaint. At the time the complaint was filed, Section 623(c)(3) of the Communications Act required that complaints be filed within "a reasonable period of time" following a change in rates.<sup>3</sup> We have determined that "a reasonable period of time" is 45 days.<sup>4</sup> In order to facilitate subscriber knowledge of the nature and extent of a rate increase and provide evidence of subscribership and the rate and service involved, we determined that we would compute the time period for filing a complaint from the date the complainant receives a bill from a cable operator that reflects the rate change.<sup>5</sup> Section 76.953 of the Commission's rules, in effect at the time the complaint was filed, provides that complaints against CPST rate increases must be filed with the Commission within 45 days from that date.<sup>6</sup>

3. In its Petition, Operator argues that the sole complaint filed against its CPST rates was invalid because it was not timely filed. Our review of the record reveals that a single complaint was filed against Operator's CPST rates in the above-referenced community on May 1, 1995. The bill attached to the complaint verifies that Operator's CPST rate increase took place on March 1, 1995. The bill also indicates

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<sup>1</sup> In the Matter of Suburban Cable TV Company, Inc., DA 98-105, 13 FCC Rcd 939 (1998).

<sup>2</sup> Communications Act, Section 623(c), *as amended*, 47 U.S.C. Section 543(c) (1996).

<sup>3</sup> 47 U.S.C. §543(c)(3) (1996).

<sup>4</sup> See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, First Order on Reconsideration, Second Report and Order, and Third Notice of Proposed Rulemaking, MM Docket No. 92-266, 9 FCC Rcd 1164 at n. 314 (1994) ("First Reconsideration Order").

<sup>5</sup> See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, Report and Order and Further Notice of Proposed Rulemaking, MM Docket No. 92-266, 9 FCC Rcd 5631 at n. 333 (1993) ("Rate Order").

<sup>6</sup> 47 C.F.R. § 76.953 (1995).

that the subscriber would have received the bill for the March 1, 1995 CPST rate increase between February 25, 1995 and March 1, 1995, a minimum of 60 days prior to the filing of the complaint. Therefore, the complaint filed on May 1, 1995, was not filed within 45 days of the receipt of the first bill reflecting the rate increase. We will grant Operator's Petition, vacate our Prior Order and dismiss the May 1, 1995 complaint filed against Operator's March 1, 1995 CPST rate increase because the complaint was not timely filed with the Commission.

4. Accordingly, IT IS ORDERED, pursuant to Section 1.106 of the Commission's rules, 47 C.F.R. §1.106, that Operator's Petition for Reconsideration IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. §0.321, that In the Matter of Suburban Cable TV Company, Inc., DA 98-105, 13 FCC Rcd 939 (1998) IS VACATED.

6. IT IS FURTHER ORDERED, pursuant to Section 0.321 of the Commission's rules, 47 C.F.R. §0.321, that the complaint referenced herein against the CPST rates charged by Operator in the community referenced above IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief  
Cable Services Bureau